

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMM SOUTH COMPANIES, INC.	DOCKET NO. WRU-99-22-3169
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ORDER DENYING REQUEST FOR SUSPENSION

(Issued June 3, 1999)

On May 18, 1999, Comm South Companies, Inc. (Comm South), filed a petition to suspend the dialing parity requirements as applied to Comm South. Pursuant to federal law, all local exchange carriers are required to provide dialing parity to competing providers of telephone exchange service and telephone toll service. 47 U.S.C. §251(b)(3). Another federal statute permits a state commission such as the Board to suspend or modify the requirements of § 251(b) as applied to a local exchange carrier with fewer than 2 percent of the nation's subscriber lines installed in the aggregate, nationwide. The Board shall grant a petition if the Board determines the suspension or modification is:

- (A) necessary to avoid a significant adverse economic impact on users, to avoid imposing an unduly economically burdensome requirement, or to avoid imposing a requirement that is technically infeasible; and
- (B) consistent with the public interest, convenience, and necessity.

47 U.S.C. § 251(f)(2)(A) and (B).

In its petition, Comm South states that its customer count for the United States is 172,000, which is less than 2 percent of the Nation's subscriber lines. Comm South also states that it is strictly a reseller of local telephone service and does not own any switches or facilities.

Comm South has failed to offer any information that would tend to demonstrate implementation of dialing parity will have an adverse economic impact on users or an undue economic burden on Comm South or that it would be technically infeasible. In Iowa, Comm South is a reseller in the service territories of U S WEST Communications, Inc. (U S West), and GTE Midwest Incorporated (GTE). Each of these companies has implemented dialing parity in Iowa. There is no apparent reason why Comm South is not able to offer re-sold services from U S West and GTE that include dialing parity. Comm South's request for suspension or modification of the dialing parity requirements does not offer any basis on which the Board can find that the requirements of § 251(f)(2) are satisfied and the Board will therefore deny the request. Comm South is directed to file an implementation plan for providing dialing parity as required by federal law, such plan to be filed no later than June 15, 1999.

IT IS THEREFORE ORDERED:

1. The request for suspension or modification of the dialing parity requirements of 47 U.S.C. § 251(b)(3) filed by Comm South Companies, Inc., on May 18, 1999, is denied.

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2. Comm South is directed to file with the Board a plan for implementation of dialing parity on or before June 15, 1999.

UTILITIES BOARD

/s/ Allan T. Thoms

/s/ Susan J. Frye

ATTEST:

/s/ Raymond K. Vawter, Jr.
Executive Secretary

Dated at Des Moines, Iowa, this 3rd day of June, 1999.